

24



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,033	12/21/2001	Shigeru Kaneko	7217/66063	5308
7590 12/01/2005 COOPER & DUNHAM LLP 1185 Avenue of the Americas New York, NY 10036			EXAMINER LE, NHAN T	
			ART UNIT 2685	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,033	Applicant(s) KANEKO, SHIGERU	
	Examiner Nhan T. Le	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-4, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owaki (US 6,195,538) in view of Miyake et al (US 5,802,066).

As to claims 1, 22, Owaki teaches a receiver comprising: a receiving unit (see fig. 1, number 10, col. 5, lines 38-50) for receiving a broadcast in which additional information is multiplexed with main information including one of audio information and video information; a memory (see fig. 1, number 22, 23, col. 6, lines 1-14) for storing the additional information; and a control unit (see fig. 1, number 20, col. 5, lines 63-67, col. 6, lines 1-14) for storing the additional information received by the receiving unit in the memory during reception of the broadcast. Owaki fails to teach the receiver further comprising operation means for capturing the additional information into the memory, wherein the control unit stores the additional information in the memory when the operation means is operated and the additional information is received by the receiving unit. Miyake teaches the receiver further comprising operation means for capturing the additional information into the memory, wherein the control unit stores the additional information in the memory when the operation means is operated and the additional information is received by the receiving unit (see fig. 3, number 11, col. 4, lines 15-67,

col. 5, lines 1-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Miyake into the system of Owaki in order to set the channel number corresponding to the code into the memory (as suggested by Miyake col. 4, lines 38-44).

As to claim 3, the combination of Owaki and Miyake teaches the receiver further comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information; and operation means (see Miyake fig. 3, number 11, col. 4, lines 15-43) for capturing the additional information into the memory, wherein the control unit displays the additional information received by the receiving unit on the display and causes the additional information to be stored in the memory (see Miyake fig. 1, number 11, col. 15-43) when the operation means is operated during a time the additional information is being displayed on the display.

As to claims 4, 23, the combination of Owaki and Miyake teaches the receiver wherein the additional information includes text information that is separable on an item-by-item basis (see Owaki fig. 5a, col. 6, lines 44-51) and the control unit organizes the received additional information in an item-by-item data structure and stores the organized additional information in the memory (see Owaki col. 6, lines 51-59).

2. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owaki (US 6,195,538) in view of Miyake et al (US 5,802,066) further in view of Migliaccio et al (US 6,161,002).

As to claim 5, the combination of Owaki and Miyake teaches the receiver wherein the control unit stored in the memory using a specified item of the text information as a

Art Unit: 2685

key. The combination of Owaki and Miyake fails to teach the control unit sort the organized additional information data stored in the memory unit based on additional RDS signals. Migliaccio teaches the control unit sort the organized additional information data stored in the memory unit based on additional RDS signals (see col. 7, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Migliaccio into the system of Owaki and Miyake in order to provide users with a speed up searching process.

As to claim 6, the combination of Owaki, Miyake and Migliaccio teaches the receiver further comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the control unit (see Migliaccio col. 7, lines 1-15) sorts the organized additional information using a specified item of the text information as a key for sorting before displaying the additional information on the display.

As to claim 7, the combination of Owaki, Miyake and Migliaccio teaches the receiver wherein the control unit displays one set of the additional information stored in the memory on the display item by item (see Owaki fig. 1, number 50, col. 6, lines 44-51) and sorts the additional information stored in the memory using an item of the additional information selected by a user as the key before displaying the additional information on the display (see Migliaccio col. 7, lines 1-15).

3. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owaki (US 6,195,538) in view of Miyake et al (US 5,802,066) further in view of Morewitz (US 5,457,815).

As to claim 8, the combination of Owaki and Miyake fails to teach the receiver wherein the control unit sequentially searches additional information of programs currently being broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in additional information of the detected program. Morewitz teaches the receiver wherein the control unit sequentially searches additional information of programs currently being broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in additional information of the detected program (see col. 4, lines 20-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Morewitz into the system of Owaki and Miyake so that users can search for their favorite program in the short period of time.

As to claims, 9, 10, 13, 14, the combination of Owaki, Miyake and Morewitz further teaches the receiver wherein the control unit tunes in to a program detected first (see Morewitz col. 5, lines 31-36); wherein when the program that includes the search data in the additional information is detected the control unit notifies the user of the detection and tunes into the detected program in accordance with a selecting operation by the user (see Morewitz col. 4, lines 51-63).

As to claims 11, 15, the combination of Owaki, Miyake and Morewitz teaches the receiver further comprising a display (see Morewitz fig. 1, number 124, col. 3, lines 43-51) for displaying the detected program, wherein the control unit displays the detected

Art Unit: 2685

program simultaneously on the display and when the user selects the displayed program the control unit tunes in to the selected program (see Morewitz col. 3, lines 43-51).

As to claim 12, the combination of Owaki, Miyake and Morewitz teaches the receiver comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the additional information includes text information that is separable on an item-by-item basis, and the control unit (see Owaki fig. 1, number 20, col. 5, lines 63-67, col. 6, lines 1-14) displays one set of the additional information stored in the memory on the display item by item, sequentially searching the additional information of programs currently being broadcast using text information of one of the displayed items selected by a user as search data; and detects a program that includes the search data in the additional information of the detected program (see col. 4, lines 20-52).

As to claim 16, the combination of Owaki, Miyake and Morewitz teaches the receiver wherein the control unit sequentially searches the additional information of programs to be broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in the additional information of the detected program (see Morewitz col. 5, lines 36- col. 6, lines 8).

As to claims 17, 20, the combination of Owaki, Miyake and Morewitz teaches the receiver wherein the control unit tunes in to the program that includes the search data that is detected first (see Morewitz col. 5, lines 31-36).

As to claims 18, 21, the combination of Owaki, Miyake and Morewitz teaches the receiver wherein when the program that includes the search data in the additional information is detected the control unit notifies the user of the detection and tunes in to the program in accordance with a selecting operation by the user (see Morewitz col. 5, lines 31-36).

As to claim 19, the combination of Owaki, Miyake and Morewitz teaches the receiver further comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the additional information includes text information that is separable on an item-by-item basis; and the control unit (see Owaki fig. 1, number 20, col. 5, lines 63-67, col. 6, lines 1-14) displays one set of the additional information stored in the memory on said display item by item, sequentially searching the additional information of programs to be broadcast using text information of an item selected by a user from displayed items as search data, and detects a program that includes the search data in the additional information of the detected program (see Morewitz col. 5, lines 36- col. 6, lines 8).

Response to Arguments

Applicant's arguments filed on 09/09/2005 have been fully considered but they are not persuasive.

As to claims 1, 22, Applicant argues that the prior art fails to teach an operation means for capturing into memory where the control unit stores the additional information during current reception in the memory at the time the operation means is operated a user and the additional information received by the receiving wherein

additional information stored on an item-by-item basis so that the additional information can be browsed. The examiner disagrees. Miyake teaches an operation means for capturing into memory where the control unit stores the additional information during current reception in the memory at the time the operation means is operated a user and the additional information received by the receiving wherein additional information stored on an item-by-item basis so that the additional information can be browsed (see fig. 3, number 11, col. 4, lines 15-67, col. 5, lines 1-31).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

Art Unit: 2685

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nhan Le



11-27-2005

NGUYENT.VO
PRIMARY EXAMINER